

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**SHIRLEY DOUGLAS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:10CV677 DPJ-FKB**

**RICHARD B. SCHWARTZ, AND SCHWARTZ &  
ASSOCIATES, P.A.,**

**DEFENDANTS**

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**SHIRLEY DOUGLAS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Plaintiff Shirley Douglas moves for partial summary judgment in the amount of \$500,000 for the following reasons:

1. This is a legal malpractice case. Shirley Douglas hired Richard Schwartz and Schwartz & Associates, P.A. (collectively "Schwartz") to represent her in a claim for injuries sustained in a car wreck.

2. Schwartz settled the case for \$500,000 and gave the money to Van Leonard—an attorney Schwartz hired to represent Schwartz in Plaintiff's bankruptcy proceeding.

3. Leonard paid Schwartz \$172,414.68 of the \$500,000 and stole the rest of the settlement.

4. Schwartz refuses to pay a penny to Plaintiff or her bankruptcy estate.

5. Schwartz is liable for \$500,000 based on Mississippi law.

6. Therefore, the Court should enter summary judgment in Plaintiff's favor in the amount of \$500,000 and set the Plaintiff's punitive damages claim for trial.

7. In support of this motion, Plaintiff relies on the attached Exhibit "1", which is the Affidavit of Shirley Douglas and her supporting Memorandum of Authorities.

8. After the Court grants Plaintiff partial summary judgment, the remaining component of Plaintiff's claim will be her claim for economic damages related to her not receiving her bankruptcy discharge, mental anguish and emotional distress and punitive damages.

**WHEREFORE**, Plaintiff demands partial summary judgment against Defendants in the amount of \$500,000.

This the 30<sup>th</sup> day of November, 2010.

Respectfully Submitted,

SHIRLEY DOUGLAS

By Her Attorney,

/s/ Philip W. Thomas  
PHILIP W. THOMAS

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**CERTIFICATE OF SERVICE**

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I certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered the non-ECF participants.

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This the 30<sup>th</sup> of November, 2010.

/s/ Philip W. Thomas  
PHILIP W. THOMAS